

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

BARBARA PASIUD,

Plaintiff,

Case No. 08-10330

v.

Hon. Marianne O. Battani  
Magistrate Judge Virginia M. Morgan

GMAC CANADA, et al.,

Defendants.

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**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND  
RECOMMENDATION AND GRANTING DEFENDANTS' MOTION TO DISMISS**

Plaintiff filed her Complaint alleging violations of various federal laws arising out of Defendants efforts in state court to recover a vehicle she had purchased in Canada. Defendants GMAC Canada, Lauren DuVal Donofrio, Craig Schoenherr, Sr., and O'Reilly Rancilio, P.C. moved to dismiss Plaintiff's Complaint in its entirety for failure to state a claim upon which relief may be granted.

The Court subsequently referred this matter to Magistrate Judge Virginia M. Morgan for all pretrial proceedings pursuant to 28 U.S.C. § 636(b)(1)(B).

In a Report and Recommendation ("R&R") dated April 10, 2008, Magistrate Judge Morgan recommended that the complaint be dismissed for several reasons, including improper service, failure to state a claim upon which relief may be granted, and res judicata.

The Court has reviewed the pleadings and has conducted a *de novo* review of the R&R. The Court finds the R&R accurately articulates the law and presents a well-

reasoned, persuasive analysis of the application of governing law to the facts of this case.

The Magistrate Judge informed the parties that objections to the R&R must be filed within ten days of service and that a party's failure to file objections would waive any further right of appeal. See R&R at 10-11. Neither party filed an objection.

Because no objection has been filed in this case, the parties waived their right to review and appeal. Accordingly, the Court **ADOPTS** the Magistrate Judge's recommendation and **DISMISSES** Plaintiff's Complaint with prejudice.

**IT IS SO ORDERED.**

s/Marianne O. Battani  
MARIANNE O. BATTANI  
UNITED STATES DISTRICT JUDGE

DATE: May 8, 2008

**CERTIFICATE OF SERVICE**

A copy of this Order was e-filed and/or mailed to Plaintiff and counsel of record on this date.

s/Bernadette M. Thebolt  
Deputy Clerk